

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	No. 3:18-CR-158-KAC-DCP
	)	
MELISSA OWENS,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned on the *pro se* letter of Defendant Melissa Owens, asking the Court to substitute counsel. Defendant's letter was docketed as a motion [Doc. 432] on November 12, 2021, and referred [Doc. 434] to the undersigned on November 16, 2021. The Court appointed Attorney Scott L. Saidak to represent Defendant Owens at her initial appearance and arraignment on December 4, 2018 [Doc. 100]. Defendant Owens subsequently entered a change of plea on July 2, 2019. In her motion, Defendant contends that she has not spoken with counsel since early 2021, counsel has not answered her many letters and telephone calls, and she does not know when her sentencing hearing will be held or what is happening in her case. The parties appeared for a hearing on this motion on November 30, 2021. Assistant United States Attorney Frank M. Dale represented the Government. Attorney Scott L. Saidak appeared with Defendant Owens, who was also present.

Mr. Saidak said he spoke with Defendant last week and again this morning, and Defendant wants to pursue her motion. He stated that this is the second time Defendant has filed a motion requesting new counsel and that he believes the appointment of new counsel is in her best interest. AUSA Dale stated that the Government has no basis to take a position on the motion. However, he observed that Mr. Saidak has done a good job for Defendant and only the sentencing hearing remains in her case.

The Court conducted a sealed, *ex parte* portion of the hearing to learn the nature and extent of the problems with the attorney-client relationship. Without going into the confidential nature of that discussion, the Court finds a complete breakdown in communication and trust has occurred between Defendant Owens and Mr. Saidak. This loss of trust in the attorney-client relationship and the breakdown in communication has compromised Mr. Saidak's ability to defend Defendant Owens at sentencing and to render effective assistance of counsel. The Court finds it appropriate to have new counsel take a fresh look at this case and to assist Defendant with the remainder of her case. Accordingly, the Court finds that good cause exists to substitute new counsel under the unique circumstances of this case.

Based upon good cause shown, Defendant Owens's *pro se* motion [Doc. 432] is **GRANTED**. *See Wilson v. Mintzes*, 761 F.2d 275, 280 (6th Cir. 1985) (requiring defendant to show good cause for the substitution of counsel). Mr. Saidak is relieved as counsel of record for Defendant Owens and is **DIRECTED** to provide new counsel with discovery and the information from Defendant's file. Mr. Saidak informed the Court that he had that information ready to hand over at the conclusion of the hearing. The Court recognizes the need for the Defendant to be represented continuously by counsel. Attorney Mark E. Brown was present at the hearing and agreed to accept representation of Defendant. The Court **SUBSTITUTES** and **APPOINTS** Mr. Brown under the Criminal Justice Act ("CJA"), 18 U.S.C. § 3006A, as counsel of record for Defendant Owens. Defendant Owens is encouraged to make every effort to work with Mr. Brown through the remainder of her case.

Accordingly, it is **ORDERED**:

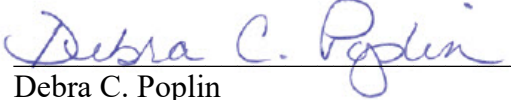
- (1) Defendant Owens's *pro se* motion [Doc. 432] is **GRANTED**;
- (2) Attorney Scott L. Saidak is **RELIEVED** of his representation of Defendant Owens. Mr. Saidak is **DIRECTED** to provide

new counsel with the discovery and information from Defendant's file; and

- (3) Attorney Mark E. Brown is **SUBSTITUTED** and **APPOINTED** as Defendant Owens's counsel of record under the CJA.

**IT IS SO ORDERED.**

ENTER:

  
Debra C. Poplin  
United States Magistrate Judge